

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

STEPHANIE BENNETT MATA, #283130-78 §

VS. §

CIVIL ACTION NO. 2:21cv081

CRIM NO. 2:18cr008-3

UNITED STATES OF AMERICA §

ORDER OF DISMISSAL

Petitioner Stephanie Bennett Mata, a former prisoner confined within the Bureau of Prisons (BOP), proceeding *pro se*, filed this habeas action. The case was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On February 26, 2024, Judge Payne issued a Report, (Dkt. No. 10), recommending that Petitioner's case be dismissed, without prejudice, for Petitioner's failure to prosecute her own case. Judge Payne highlighted that Petitioner is no longer imprisoned at the Bryan Federal Camp, but neither filed an updated address—which is required—nor otherwise communicated with the Court since March 2021. A copy of this Report was sent to Petitioner at her last-known address. To date, however, Petitioner has not filed objections.

Because objections to Judge Payne's Report have not been filed, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*


United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. No. 10), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that the above-styled habeas proceeding is **DISMISSED**, without prejudice, for Petitioner's failure to prosecute. Petitioner is further **DENIED** a certificate of appealability *sua sponte*, which refers only to this case and does not prevent refiling. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 26th day of March, 2024.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE